

MEMO ENDORSED

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October 24, 2016

The application is granted.
 denied.

VIA FACSIMILE

The Honorable Nelson S. Román
United States District Court for the Southern District of New York
United States Courthouse
300 Quarropas Street
Courtroom 218
White Plains, NY 10601

Re: *Petrosino v. Stearn's Products, Inc.*
Case No. 7:16-cv-7735-NSR
Request for Telephone Appearance at Pre-Motion Conference

Attorney Diesch granted leave to appear via telephone at Pre-Motion Conf. on Nov. 3, 2016 by calling the Court's conference line: 914-390-4082. All future appearances before Judge Román must be in-person.

Dear Judge Román:

We represent Stearn's Products, Inc. in the above referenced matter. I write to request permission to appear via telephone at the Pre-Motion Conference set for November 3, 2016 at 10:00 a.m.

Local counsel Joshua D. Anders and I are co-lead counsel on this matter for Stearn's. While Mr. Anders has the specific knowledge and expertise of New York civil practice, I have represented Stearn's as its California counsel for a number of years, and thus have greater familiarity with Stearn's business practices, its products and formulations, and the facts of the case. Moreover, I am able to provide specific details relevant to the motion to dismiss, which is the subject of the Pre-Motion Conference.

Unfortunately, I have a conflict with the November 3 date which makes it difficult to travel to New York for the in-person conference. Specifically, I am a liaison member of NSF International's Council of Public Health Consultants and am scheduled to speak at its annual conference in Ann Arbor, Michigan that same day. Accordingly, I would greatly appreciate being able to appear via telephone at the conference. In addition, Mr. Anders will appear in person.

USDC SDNY
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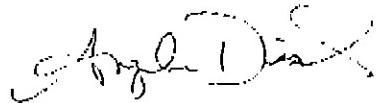
Los Angeles San Francisco Sacramento San Diego

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Thank you for your consideration.

Very truly yours,

GILBERT, KELLY, CROWLEY & JENNITT LLP



ANGELA L. DIESCH

cc: (via email):
Joshua D. Anders, Esq. (Counsel for Defendant)
Jason P. Sultzzer, Esq. (Counsel for Plaintiff)
Joseph Lipari, Esq. (Counsel for Plaintiff)